S.B. Civil Misc. Appeal No.1061/2006

M/s. Nandish Construction Company
vs.
State of Rajasthan and another.

Date : 3.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sanjeet Purohit for Mr.Vikas Balia, for the appellant.

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Heard learned counsel for the appellant.

The appellant's application under Section 9 of the Arbitration and Conciliation Act, 1996 was dismissed by the trial court on 3.4.2006. The appellant sought injunction against the invocation of the bank guarantee of Rs.33 lakhs by the respondent no.1 State from respondent no.2 Bank of Rajasthan Ltd.

For the reasons best known to the appellant, he has preferred this appeal after three months on the last date for filing revision i.e. on 3.7.2006. Since it is a matter relation to the arbitration proceedings and relief of injunction was denied, the parties should have been vigilant in pursuing the matter because delay in such matters is also one of the ground on the basis of which relief can be denied.

In this case, the court below has dismissed the application of the appellant after considering the facts of the case and I do not find any reason on the basis of which the appellant can seek injunction against the invocation of the bank guarantee.

Learned counsel for the appellant also submits that in pursuance of the order of the trial court dated 3.4.2006, the bank guarantee amount was deposited in the fixed deposit and these fixed deposit receipts have been delivered to the State Government.

In view of the above also, I do not find any reason to interfere while exercising appellate jurisdiction in such a matter.

Consequently, this appeal having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya